IN THE HIGH COURT OF JUDICATURE AT BILASPUR, C.G.

WRIT PETITION NO. 5821 /2005

(Petition under Article 226/227 of the Constitution of India)

PETITIONER : Awadh Ram Jaiswal, aged about 52 years, S/o Bhaiyalal Jaiswal, at present working as a Incharge Head Master, Middle School Meduka, Marwahi, Distt. Bilaspur, C.G., R/o village Meduka Tahsil Pendra road, Distt. Bilaspur, C.G.

P.R. No. 5960/05 Present Amankeshwar dated 12-11-05

VERSUS

RESPONDENTS :

1) State of Chhattisgarh, through the Secretary, Tribal Welfare Department, Raipur, D.K.S. Bhawan, Raipur (C.G.)

2) The Commissioner, Tribal Welfare Department, Raipur, Distt. Raipur (C.G.)

3) The Assistant Commissioner, Tribal Welfare Department, Bilaspur, C.G.

4) The Collector at Bilaspur, Distt. Bilaspur, C.G.

5) Block Development Education Officer, Marwahi, Distt. Bilaspur, C.G.

RETURN-COPY CLERK to A. G. BILASPUR 17-11

17/11/05

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT OF MANDAMUS/ CERTIORARI, ORDER/ORDERS, DIRECTION/DIRECTIONS ETC.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No. 5821/2005 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

8-12-2005

Shri Vishnu Kosta, counsel for the petitioner.

Shri Vivek Sharma, Panel Lawyer for the State, on advance copy.

Heard.

Counsel for the petitioner submits that the petitioner has been transferred by order dated 9-11-2005 during the ban period without the concurrence or approval of the Minister, which is in contravention to the policy. He further submits that for the present the petitioner may be given an opportunity to file a representation to the competent authorities of the respondents which may be considered on its own merits.

The prayer is not opposed by the State Counsel.

Having considered and without expressing any opinion on the merits of the case, in the opinion of this Court, ends of justice will be served if a direction is given to the petitioner to make a detailed representation raising his grievances before the competent authority of respondents along with a copy of the petition and this order within 15 days and on such representation being filed, the competent authority of the respondents shall decide the same on its own merits in accordance with law as early as possible preferably within two months from the date of receipt of the representation. It is made clear that if any grievance remains, the petitioner may avail the remedy available under the law.

Counsel further submits that the petitioner has not been relieved and he may be allowed to continue till the decision of the representation.

It is directed that if the petitioner has not been relieved, he may be allowed to continue till the representation is decided.

With the aforesaid observations, this petition stands disposed of.

Consequently M.W.P.No. 4619/2005 and I.A. No. 9733/2005 also stand disposed of.

Certified copy as per rules.

Sd/-
Fakhruddin
Judge

[illegible]

[illegible]